

Office of the Secretary, DOT

§ 252.13

- 252.13 Small aircraft.
- 252.15 Cigars and pipes.
- 252.17 Enforcement.
- 252.19 Single-entity charters.

AUTHORITY: Secs. 204, 404, 407 and 416 of Pub. L. 85-726 and 101-164, as amended, 72 Stat. 743, 760, 766, 771, 49 U.S.C. 1324, 1374, 1377, 1386.

CROSS REFERENCE: For smoking rules of the Federal Aviation Administration, see 14 CFR 121.317(c), 121.571(a)(1)(i), 129.29, 135.117(a)(1), and 135.127(a).

SOURCE: 55 FR 4993, Feb. 13, 1990, unless otherwise noted.

§ 252.1 Purpose.

This part implements a ban on smoking of tobacco on flight segments between most U.S. points as required by section 335 of Public Law 101-164. It also continues smoking restrictions on other flights. Nothing in this regulation shall be deemed to require U.S. or foreign air carriers to permit the smoking of tobacco aboard aircraft.

§ 252.3 Applicability.

Section 252.5 applies to scheduled-service flight segments operated by U.S. and foreign direct air carriers between the U.S. points specified in that section. The remainder of this part applies to all operations of U.S. direct air carriers, except on-demand services of air taxi operators.

§ 252.5 Smoking ban on U.S. segments.

U.S. and foreign direct air carriers shall prohibit smoking in the passenger cabin and lavatories on any nonstop flight segment that is listed in the current *Official Airline Guide*, or is part of a longer flight that is listed in that publication, and that is:

- (a) Between any two points within an area composed of Puerto Rico, the U.S. Virgin Islands, the District of Columbia, and the 48 contiguous states of the United States;
- (b) Between any two points within the State of Alaska or within the State of Hawaii; or
- (c) Scheduled in the current *Official Airline Guide* to be six hours or less in duration and that is:
 - (1) Between any point in paragraph (a) of this section and any point in Alaska or Hawaii; or

- (2) Between any point in Alaska and any point in Hawaii.

§ 252.7 No-smoking sections.

(a) Except as provided in paragraph (b) of this section, U.S. air carriers operating nonstop flight segments to which §§ 252.5 and 252.13 do not apply shall provide, at a minimum:

- (1) A no-smoking section for each class of service;
- (2) A sufficient number of seats in each no-smoking section to accommodate all persons in that class of service who wish to be seated there;
- (3) Expansion of no-smoking sections to meet passenger demand; and
- (4) Special provisions to ensure that if a no-smoking section is placed between smoking sections, the non-smoking passengers are not unreasonably burdened.

(b) On flights for which passengers may make confirmed reservations and on which seats are assigned before boarding, a U.S. air carrier need not provide a seat in a no-smoking section to a passenger who has not met the carrier's requirements as to time and method of obtaining a seat on the flight, or who does not have a confirmed reservation. If a seat is available in the established no-smoking section, however, a U.S. air carrier shall seat there any enplaning passenger who so requests, regardless of boarding time or reservation status.

§ 252.9 Ventilation systems.

U.S. air carriers shall prohibit smoking whenever the ventilation system is not fully functioning. Fully functioning for this purpose means operating so as to provide the level and quality of ventilation specified and designed by the manufacturer for the number of persons currently in the passenger compartment.

§ 252.11 Aircraft on the ground.

U.S. air carriers shall prohibit smoking whenever the aircraft is on the ground.

§ 252.13 Small aircraft.

U.S. air carriers shall prohibit smoking on aircraft designed to have a passenger capacity of less than 30 seats.

§ 252.15

NOTE.— This section, like the rest of this part, does not apply to on-demand services of air taxi operators; see § 252.3 in this part.

§ 252.15 Cigars and pipes.

U.S. air carriers shall prohibit the smoking of cigars and pipes aboard aircraft.

§ 252.17 Enforcement.

U.S. and foreign air carriers shall take such action as is necessary to ensure that smoking by passengers or crew is not permitted in the passenger cabin or lavatories on no-smoking flight segments. U.S. air carriers shall take such action as is necessary to ensure that smoking by passengers or crew is not permitted in no-smoking sections or at other times or places where smoking is prohibited by this part, and to maintain required separation of passengers in smoking and no-smoking areas.

§ 252.19 Single-entity charters.

On single-entity charters operated pursuant to §§ 207.50 or 208.300 of this title, U.S. air carriers need not comply with the procedures of part 252 if such a request is made by the charterer, provided that each passenger on such flights is given notice of the smoking procedures for the flight at the time he or she first makes arrangements to take the flight.

PART 253—NOTICE OF TERMS OF CONTRACT OF CARRIAGE

Sec.

253.1 Purpose.

253.2 Applicability.

253.3 Definitions.

253.4 Incorporation by reference in the contract of carriage.

253.5 Notice of incorporated terms.

253.6 Explanation of incorporated terms.

253.7 Direct notice of certain terms.

253.8 Qualifications to notice requirements.

AUTHORITY: Secs. 204, 403, 404, and 411, Pub. L. 85-726, as amended, 72 Stat. 743, 758, 760, 769; 49 U.S.C. 1324, 1373, 1374, 1381.

SOURCE: ER-1302, 47 FR 52134, Nov. 19, 1982, unless otherwise noted.

§ 253.1 Purpose.

The purpose of this rule is to set uniform disclosure requirements, which preempt any State requirements on the

14 CFR Ch. II (1-1-99 Edition)

same subject, for terms incorporated by reference into contracts of carriage for scheduled service in interstate and overseas passenger air transportation.

§ 253.2 Applicability.

This rule applies to all scheduled direct air carrier operations in interstate and overseas air transportation. It applies to all contracts with passengers, for those operations, that incorporate terms by reference.

[ER-1323, 48 FR 6318, Feb. 11, 1983]

§ 253.3 Definitions.

Large aircraft means any aircraft designed to have a maximum passenger capacity of more than 60 seats.

Passenger means any person who purchases, or who contacts a ticket office or travel agent for the purpose of purchasing, or considering the purchase of, air transportation.

Ticket office means station, office, or other location where tickets are sold that is under the charge of a person employed exclusively by the carrier, or by it jointly with another person.

§ 253.4 Incorporation by reference in the contract of carriage.

(a) A ticket or other written instrument that embodies the contract of carriage may incorporate contract terms by reference (i.e., without stating their full text), and if it does so shall contain or be accompanied by notice to the passenger as required by this part. In addition to other remedies at law, an air carrier may not claim the benefit as against the passenger of, and the passenger shall not be bound by, any contract term incorporated by reference if notice of the term has not been provided to that passenger in accordance with this part.

(b) Each air carrier shall make the full text of each term that it incorporates by reference in a contract of carriage available for public inspection at each of its airport and city ticket offices.

(c) Each air carrier shall provide free of charge by mail or other delivery service to passengers, upon their request, a copy of the full text of its terms incorporated by reference in the contract. Each carrier shall keep available at all times, free of charge, at all